

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHERYL L. TYSON,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

8:13-CV-29

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's Motion for Attorney Fees Under [42 U.S.C. § 406\(b\)](#) (filing [34](#)). In a previous order, the Court awarded the plaintiff fees and expenses in the amount of \$6,328.90 pursuant to the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#). Filing [32](#). Now before the Court is the plaintiff's motion for \$4,212.50 in attorney fees pursuant to [42 U.S.C. § 406\(b\)](#). The defendant has no objection to the awarding of fees and expenses in that, which represents 25 percent of the plaintiff's award of past due benefits, provided that the plaintiff's counsel refunds the lesser of the two fee awards to the plaintiff. Filing [37](#). Plaintiff's counsel has agreed to do so, and the plaintiff herself does not object. Filing [35](#) at 5; filing [36](#) at 15.

The Court, being fully advised in the premises, finds that the amount of fees requested is fair and reasonable. Accordingly, the Court will grant the plaintiff's motion and award the requested fees. The Court will further direct the plaintiff's counsel to refund the smaller fee award to the plaintiff, and authorized counsel to transfer the amount of the previous fee award from her trust account as payment for services rendered.

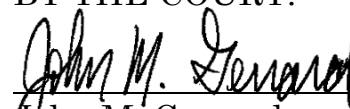
IT IS ORDERED:

1. The plaintiff's Motion for Attorney Fees Under [42 U.S.C. § 406\(b\)](#) (filing [34](#)) is granted.
2. By separate document, the Court shall enter judgment for plaintiff and against defendant providing that plaintiff is awarded attorney fees of \$4,212.50.

3. The plaintiff's counsel is directed to refund the fee award of \$4,212.50, once received, to the plaintiff.
4. The plaintiff's counsel may now transfer the previously-awarded fees of \$6,328.90 to herself as payment for her services in this case.

Dated this 4th day of November, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
United States District Judge